

## Office of Professional Accountability (OPA) Commendations & Complaints Report February 2009

### Commendations:

Commendations Received in February: 9

Commendations Received to Date: 27

<b><i>Abraham, John Burrows, Brenda</i></b>	Officer Abraham and Detective Burrows both received a letter of commendation for providing invaluable support, assistance and comfort to a Coeur d' Alene Police Department Officer and his family as he dealt with his spouse's serious illness here in Seattle.
<b><i>Barnes, Timothy Mitchell, Jeffrey</i></b>	Officers Barnes and Mitchell received a letter of commendation for their great work catching a bank robber. Their attention to detail and consistent effort scanning bulletins paid off.
<b><i>Grossman, Kevin</i></b>	Detective Grossman received a letter of appreciation for his valuable and extremely important presentation at the fall Core SANE (Sexual Assault and Traumatic Stress) training held at the Harborview Medical Center.
<b><i>Kowalchuk, Joseph</i></b>	Officer Kowalchuk received a commendation for service provided to an elderly dementia patient. The wife needed help from Officer Kowalchuk in getting her husband, who suffers from dementia, back home.
<b><i>McKenzie, William</i></b>	Officer McKenzie received a letter of appreciation for his ability to diffuse bad situations, handle disruptive people, and provide the verbal and physical presence without being overbearing where he works at a secondary job.
<b><i>Stevens, Johnney</i></b>	Officer Stevens received a commendation for the help he provided when a citizen was assaulted and threatened. Officer Stevens gave the citizen "peace of mind."
<b><i>Walker, Yvonne Marie</i></b>	Ms. Walker, an Administrative Specialist, received a letter of thanks for her exceptional and outstanding performance in determining the true identification of someone on the Terrorist Screening Center watch list.

## February 2009 Closed Cases:

*Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.*

*Cases are reported by allegation type. One case may be reported under more than one category.*

### STANDARDS OF CONDUCT: PROFESSIONALISM

Synopsis	Action Taken
The complaints alleged that the unknown SPD employee in a fully marked SPD vehicle stopped the complainant on I-5 in Olympia. The employee then allegedly yelled at the complainant, failed to advise the reason for the stop and told the complainant that a citation would be mailed.	The investigation could not identify any leads as to the SPD employee involved or substantiate any misconduct. Should additional investigative leads be developed, the case will be re-opened. Finding—ADMINISTRATIVELY INACTIVATED
The complaint alleged that an unknown employee pounded on the trunk lid of the complainant's car prior to a football game.	The complaint could be neither proved nor disproved with the evidence available. No employee could be identified as being involved and no investigative leads exist to further the investigation. Should additional investigative leads be developed, the case will be re-opened. Finding—ADMINISTRATIVELY INACTIVATED
The complaint alleged that the named employee baited the complainant into a physical confrontation, used inappropriate language and tossed his identification at him at the conclusion of the contact instead of just handing it back.	While the employee believed that his approach let the subject know that he could not intimidate the police, the investigation determined that the named employee might have actually escalated the contact by the manner in which he interacted with the subject. Finding—SUPERVISORY INTERVENTION

### STANDARDS OF CONDUCT: HONESTY

During the conduct of a separate investigation, it was determined that the named employee may have made a false complaint.	The investigation determined that the named employee had filed the complaint and, at the time, believed it to be true. During the investigation, the employee acknowledged that there may have been confusion about the specific times and date reported. Finding—NOT SUSTAINED
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**POLICY/PROCEDURES**

The complainant believed that the named employee engaged in biased policing when the complainant was issued multiple citations, charges had been "stacked" and the citations had been issued in retaliation for his not leaving the scene when directed to do so.	The named employee could not easily recognize the complainant's race and no evidence was identified supporting the assertion of biased policing. After the complainant and his companion were stopped, the complainant was told he was free to leave. He asked to remain as an observer at the scene and subsequently received citations for the event for which he was originally stopped. Finding--Biased Policing Policy—UNFOUNDED Enforcement Policy—SUSTAINED Citizen Observation of Officers Policy--SUSTAINED
The complaint alleged that the employee was outside of King County when he was supposed to be on-duty with Seattle Police Department.	The evidence established that the employee was working his assigned duties and could not have been where the complainant alleged he was. Finding--UNFOUNDED
The complainant believed that a residence and co-located recreational vehicle had been searched inappropriately.	The investigation determined that the named employees acted reasonably in their search for a dangerous suspect of several home invasion robberies and a rape. The suspect was known to frequent the complainant's property and credible and fresh information led the employees to believe the suspect may have been at the known location. Finding—EXONERATED
The complaint alleged that the named employee had inappropriately used SPD databases to access information on the complainant.	The investigation determined that no data concerning the complainant had been retrieved from any SPD terminal resources. Finding—ADMINISTRATIVELY UNFOUNDED

**MISHANDLING EVIDENCE/PROPERTY**

Synopsis	Action Taken
The complainant alleges that during the conduct of a search of his residence, the named employees took a knife and I-pod without justification or explanation.	The residence in question is frequented for drug activity with many people coming and going with liberal access to all areas of the residence. The presence of the items could not be established. The complainant states that he never saw the employees in possession of the items and the employees deny seeing or taking the items. Finding--UNFOUNDED

**VIOLATION OF LAW**

Synopsis	Action Taken
A former spouse alleged that the named employee violated multiple conditions of a parenting plan.	The investigation determined that the employee had acted lawfully and that there was no nexus between the officer's employment and the alleged misconduct. The dispute would best be settled as a civil matter, which is being pursued. Finding—ADMINISTRATIVELY UNFOUNDED
The employee was arrested and charged with driving while intoxicated.	The employee plead guilty to the charge of negligent driving. Finding--SUSTAINED

**UNNECESSARY FORCE**

Synopsis	Action Taken
The complainant stated that he was pushed onto the curb as officers were responding to a disturbance and that the employee failed to identify himself when asked.	The allegations of misconduct were neither proved nor disproved by a preponderance of the evidence. Finding—NOT SUSTAINED
The complainant alleged that the named employee had broken his wrist while taking him into custody.	The evidence demonstrated that the misconduct had not occurred as alleged. Finding—ADMINISTRATIVELY UNFOUNDED
The complaint alleged that employees used excessive force during his arrest and that during the struggle, his tennis shoes came off and they were not returned.	The investigation determined that only minimal, reasonable and necessary force was used to control an aggressive and violent subject. Finding—EXONERATED The evidence supported that the employees were not responsible for the lost shoes and that the conduct of the officers involved was reasonable and not misconduct. Finding—UNFOUNDED
The complainant alleged that the named employees punched and kicked him as they attempted to wake him up, and that the named employees stole cash and a knife from his pocket.	The evidence established that the employees used reasonable, necessary and minimal force to wake up the subject. Finding—UNFOUNDED  The evidence further established that one of the employees had seized a pocketknife during a routine pat-down search and had not logged it into evidence as required. Training regarding the handling of property is appropriate. Finding—Employee 1--SUPERVISORY INTERVENTION Employee 2--UNFOUNDED
The complaint alleges that unnecessary force was used in taking the subjects into custody and that a departmental rule was violated regarding the initial stop.	The investigation determined that what was initially a social contact escalated unnecessarily into an arrest and use of force incident. Finding—SUSTAINED on both force and rules violation

The complaint alleges that unnecessary force was used while taking the complainant into custody.	The investigation determined that the complainant had been escorted out of a nightclub for fighting and when the employees arrived on scene, he was hostile and uncooperative. After refusing to leave the area, the complainant lunged at the employees and attempted to remove one of the employee's handgun from its holster. The evidence determined that the employees had used only reasonable and necessary force to subdue, control and handcuff the subject. Finding--EXONERATED
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**February 2009 Cases Mediated:**

Complaint alleged that the named employees failed to take appropriate action upon being dispatched to a 911 call.

## Definitions of Findings:

**“Sustained”** means the allegation of misconduct is supported by a preponderance of the evidence.

**“Not Sustained”** means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

**“Unfounded”** means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

**“Exonerated”** means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

**“Supervisory Intervention”** means while there may have been a violation of policy, it was not a willful violation, and/or the violation did not amount to misconduct. The employee’s chain of command is to provide appropriate training, counseling and/or to review for deficient policies or inadequate training.

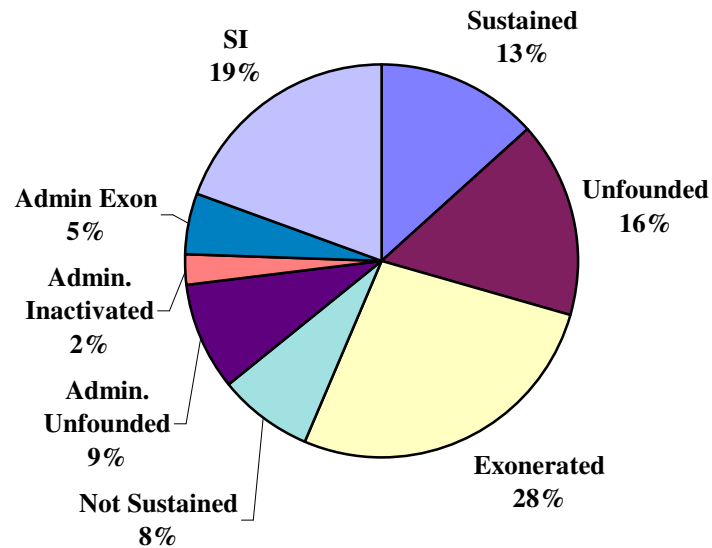
**“Administratively Unfounded/Exonerated”** is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee’s actions were found to be justified, lawful and proper and according to training.

**“Administratively Inactivated”** means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

## Cases Opened (2008/2009 by Month Comparison)

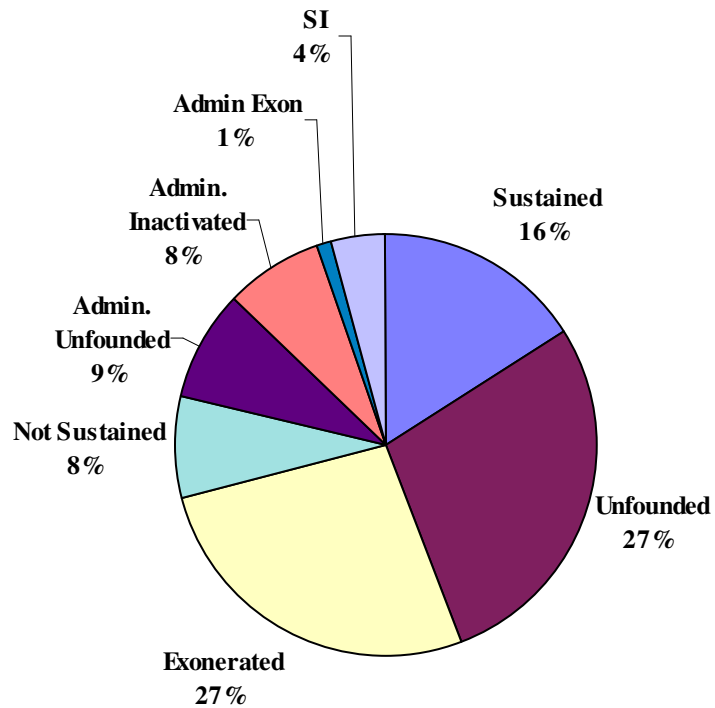
Date	PIR		SR		LI		IS		TOTAL	
	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009
1/1-2/15	38	18	9	3	1	1	16	15	64	37
2/16-3/15	24	14	8	6	2	2	12	8	46	30
3/16-4/15	30		4		0		9		43	
4/16-5/15	26		4		2		15		47	
5/16-6/15	23		2		1		12		38	
6/16-7/15	17		2		3		14		36	
7/16-8/15	27		9		3		25		64	
8/16-9/15	19		7		2		16		44	
9/16-10/15	23		11		2		14		50	
10/16-11/15	20		6		1		11		38	
11/16-12/15	23		6		2		9		40	
12/16-12/31	8		3		0		5		16	
Totals	278	32	71	9	20	3	158	23	527	67

**Disposition of Completed Investigations**  
**Open as of 1 Jan, 2008 or after and Closed as of December 31, 2008**  
**N=144 Closed Cases/257 Allegations**



One case may comprise more than one allegation of misconduct.

**Disposition of Completed Investigations**  
**Open as of 1 Jan 2009 or after and closed as of 15 February 2009**  
**N=51 Closed Cases/93 Allegations**



One case may comprise more than one allegation of misconduct.